

FREEDOM OF INFORMATION TEAM

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Laura Pearson
Chief, FOIA, Privacy and Information Collections Branch
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Ms. Pearson:

During the October 7, 2014, public meeting, there was some discussion about records being made publicly available after having been requested three times under the Freedom of Information Act (FOIA). We have reviewed this topic and respectfully provide our perspective for consideration by the NRC staff.

When a FOIA requester has asked the NRC for and been granted a fee waiver, all records released to the requester should be placed in public ADAMS. An essential part of the basis for the fee waiver is that the records being released will increase public awareness of the matter. And a secondary factor in the fee waiver basis is that the requester has no commercial interest in the information being released. Placing released records in public ADAMS after a single request seems entirely consistent with these two tenets.

When a FOIA requester has not asked for a fee waiver but the request results in no fees being assessed (e.g., fewer than 100 pages for the response and limited searching/processing times), all records released to the requester should be placed in public ADAMS. While not as clear-cut as the case above, this practice would save the NRC the time and expense—albeit minimal, but not zero—of processing future requests for the same releasable records.

When a FOIA requester paid for searching/processing times or coping costs, the records released to the requester should not be placed in public ADAMS. If subsequent request are received by NRC for the same records, the records released to additional requesters should still not be placed in public ADAMS unless either of the above two conditions apply.

We appreciate this opportunity to share our perspective on this matter and look forward to the NRC staff's disposition of this matter.

Respectfully,



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